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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/679,391      | 10/03/2000  | Daniel Bates         | 0007891-0002        | 6681             |

27160 7590 12/27/2001

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EXAMINER

BLACKMAN, ANTHONY J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2672

DATE MAILED: 12/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/679,391

Applicant(s)  
BATES et al

Examiner  
ANTHONY BLACKMAN

Art Unit  
2672



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 29, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-3, 5-7, 9, 11-13, 15-17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by DELP US PATENT NO. 6,0216,411.

3. Consider claims 1-3, 5-7, 9, 11-13, 15-17, and 19. DELP discloses "... a method, apparatus and computer program product generating an image index and for searching and querying by image colors in a network environment, such as for searching and querying by image color images from the internet" (column 1, lines 10-14, 31-57, figures 1 and 11, column 2, lines 1-5). The searching and querying are related to the "event" disclosed in the instant application. DELP determines the well-known location of the action/event/query (as disclosed in the specification - column 7, lines 15-25), determines a color value for said location (figure 10, column 3, lines 17-24, column 4, lines 3-22, column 7, lines 15-25), and initiates an event associated with said color value (figure 1, elements 136, 134, and 132, column 3, lines 17-24, column 4, lines 3-22, column 7, lines 15-25, figure 11, column 7, lines 26-67).

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DELP US PATENT NO. 6,026,411 in view of KNOWLTON et al US PATENT NO. 5,973,692. DELP meets limitations for claims 1 and 11, however, does not expressly teach or suggest the color value comprising an RGB characteristic. KNOWLTON et al disclose the color value comprising an RGB characteristic (figures 3a-1 and 3a-2). It would have been obvious to one at the time of the invention to utilize the visual linking library and network including the color lookup table (figure 3a-1 and 3a-2) with the "... method, apparatus and computer program product generating an image index and for searching and querying by image colors in a network environment, such as for searching and querying by image color images from the internet" (column 1, lines 10-14, 31-57, figures 1 and 11, column 2, lines 1-5) of DELP because KNOWLTON et al includes a capture engine for extracting graphics information from a data file and generating a corresponding graphic icon forming a displayable image representing the graphics information ( column 4, lines 28-47). Further, by adding the grayscale lookup table the color range may be expanded allowing for greater user satisfaction.

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5. Claims 8, 10, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DELP US PATENT NO. 6,026,411 in view of SAMPATH-KUMAR et al US PATENT NO. 6,169,573.

6. Consider claims 8 and 18. DELP meets limitations for claims 1 and 11, however, does not expressly teach wherein said event is the retrieval of a data track. SAMPATH-KUMAR et al disclose the above limitation (figure 4). It would have been obvious to one at the time of the invention to utilize the hypervideo system and method with object tracking utilizing hyperlinking with the "... method, apparatus and computer program product generating an image index and for searching and querying by image colors in a network environment, such as for searching and querying by image color images from the internet" (column 1, lines 10-14, 31-57, figures 1 and 11, column 2, lines 1-5) of DELP because SAMPATH-KUMAR et al teach "...the hypervideo browser allows the MPEG video to be viewed and objects of interest to be selected by a user, thereby hyperlinking to additional information of interest"(abstract, lines 7-10).

7. Consider claims 10 and 20. DELP meets limitations for claims 1 and 11, however, does not expressly teach wherein said object is an image residing in a streaming media. SAMPATH-KUMAR et al disclose the above claim limitation (Column 3, lines 55-63).

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. SMITH US PATENT NO. 5,745,103, "REAL-TIME PALETTE NEGOTIATIONS IN MULTIMEDIA PRESENTATIONS".

Any response to this action should be mailed to:

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Any response to this action may be sent via facsimile to either:

(703) 872-9314 (for formal communications marked EXPEDITED PROCEDURE), or

(703) 746-5731 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

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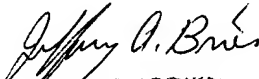
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Blackman who may be reached via telephone at (703) 305-0883. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

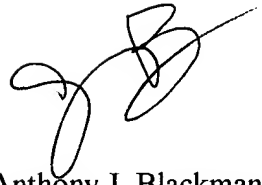
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
JEFFERY BRIEN  
PRIMARY EXAMINER

  
Anthony J. Blackman

Patent Examiner

12/20/ 2001